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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/198,534	11/24/1998	SHINICHI BAN	48864-014	2638

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EXAMINER

BALI, VIKKRAM

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/07/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/198,534

Applicant(s)

BAN ET AL.

Examiner

Vikkram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28 and 36 is/are allowed.
- 6) ☒ Claim(s) 1-25, 29-31, 34-35, 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

In response to the response filled on 1/23/2003, the action follows:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munetsugu et al (6141431).

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With respect to claim 1, Munetsugu discloses an image processing apparatus comprises: modifying unit which modifies a form of a part of the inputted data with maintaining a form of other parts thereof based on 2 dimensional image data of the object (see col. 3, lines 35-38, a face surface model generated on the basis of the front face image) as claimed in claim 1. However, he did not explicitly disclose "3-dimensional form data and 2 dimensional image data", as claimed in claim 1. But, it is well known that the model of the face is 3-dimensional and image of the face is in 2 dimensions.

Therefore, it would have been obvious to one ordinary skilled in the art to modify the Munetsugu's image processing system of hair removal on the face of the person in a model per the face image of the person by introducing the 3-dimensional form data as the face model and 2 dimensional data as the face image, as it is well known in the art that a model is a 3-dimensional surface. This modification will provide a modifying unit that will modify a face of an object per the image of an object.

With respect to claim 2, he further discloses: a first generating unit, which generates the 2-dimensional image data.....; and a second generating unit which generates the 3-dimensional form data of the object.....; and means for inputtingto the data processing apparatus, (see col. 5, lines 35, region of the hair in the face image and col. 6, lines 19-20, a face model is generated, also, see figure 13 the face image and the model are generated independently and both are fed into the numerical 131 and 132) as claimed.

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With respect to claim 3, he further discloses: modifying unit extracts an area from the 2-dimensional image data based on a predetermined condition, and modifies the form of the part of the 3-dimensional form data corresponding to the area, (see col. 5, lines 29-30, wherein, a hair region selecting part from 2-dimensional image and col. 5, lines 31-38, wherein the corresponding part on the model gets determined, also, in col. 14, lines 35-60 the attributes are used to make the determination with is to be modified and what is not to be modified) as claimed.

With respect to claim 4, he further discloses: the object is a head of a human, (see figure 3) as claimed.

With respect to claim 5, he further discloses: the area corresponds to at least one of hair, a forehead, eyebrows, eyes, irises of eyes, and lips of the human, (see col. 5, lines 29-30, wherein the area is the hair of the object) as claimed.

Claims 6-8 is rejected as claims 3-5 as claims 6-8 are claiming similar subject mater as claims 3-5.

Claim 10 is rejected as claim 5 as claim 10 is claiming similar subject mater as claim 5.

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With respect to claim 11, he further discloses: modifying unit modifies the 3-dimensional form data to emphasize a partial form of the object corresponding to the part, (see col. 15, lines 5-20 and col. 16, lines 35-43, wherein, hair is the partial data that gets emphasis, as that (hair) is gets deleted) as claimed. .

With respect to claim 12, Munetsugu discloses the invention substantially as claimed and as described in claim 10. However, he fails to disclose: smooth a partial form, as claimed in claim 12. But, it is obvious to smoothing the images during the image processing for blurring and for noise reduction, the blurring is used in preprocessing steps such as removal of small details from an image.

Therefore, it would have been obvious to one ordinary skilled in the art to modify the Munetsugu's image processing system of modifying the 3-dimensional model using two dimensional constraints by introducing the known feature of smoothing the images during the image processing for blurring and for noise reduction, the blurring is used in preprocessing steps such as removal of small details from an image, as it is known to have a smoothing of the images during the image processing for removal of small details from an image. This modification will provide a method that will modify the 3-dimensional form data that will use the smoothing of an images in order to remove the small details that is required by the 2-dimensional constraints.

With respect to claim 13, Munetsugu discloses the invention substantially as claimed and as described in claim 1. However, he fails to disclose: data processing

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apparatus is set in a specific mode, as claimed in claim 13. But, it is obvious that the system does not perform any function unless the apparatus is in active/on mode.

Therefore, it would have been obvious to one ordinary skilled in the art to modify the Munetsugu's image processing system of modifying the 3-dimensional model using two dimensional constraints by introducing the known feature of on/off mode, as it is known to have a on/off mode in all the apparatuses to make it work or to keep inactive once the function is performed in order to conserve the energy. This modification will provide a method that will modify the 3-dimensional form data only in a given mode, or once the mode is set.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Munetsugu et al (6141431) as applied to claim 6 above, and further in view of Applicants admitted prior art.

With respect to claim 9, Munetsugu discloses the invention substantially as claimed and as described above for claim 6. Also, he discloses: first area extraction, in claim 6 above. However, he fails to disclose: area division is carried out for a shade portion of the object by referring to the 2-dimensional image data of a surrounding portion. But, as mentioned in the specification on page 17, by the applicant that to perform a known technique for the shade position to get the good image.

Therefore, it would have been obvious to one ordinary skilled in the art to modify the Munetsugu's image processing system of modifying the 3-dimensional model using two dimensional constraints by introducing the known graphic techniques for shades to

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come up with a good image of the object, as it is admitted by the applicant. This modification will provide a method that will give good images.

Claims 14-20 are rejected for the reasons as set forth for claims 2, 3, 5, 6, 8, 11 and 12 because claims 14-20 are claiming similar subject matter as 2, 3, 5, 6, 8, 11 and 12 respectively.

Claims 21-25 are rejected for the same reasons as set forth for claims 1-13 as claims 21-25 are claiming similar subject matter as one of the combination of the claims 1-13.

Claims 29-31 are rejected for the same reasons as set forth for claims 1-13 as claims 29-31 are claiming similar subject matter as one of the combination of the claims 1-13.

Claims 34-35 are rejected for the same reasons as set forth for claims 1-13 as claims 34-35 are claiming similar subject matter as one of the combination of the claims 1-13.

Claims 37-39 (independent claims) are rejected for the same reasons as set forth for claims 1-13 as claims 37-39 (independent claims) are claiming similar subject matter as one of the combination of the claims 1-13.

Response to Arguments

Applicants arguments filed on 1/23/2003, are not persuasive,

Applicant argues that examiner made "improper rejection to the allowed and objected claims" (see page 1-2, of applicants response). Examiner disagrees and would like to point out that examiner has the Partial Signatory Authority (PSA), because of this [PSA] authority examiner is entitled to sign his Non Final actions. And, therefore, the office action (paper # 14) is OK.

Applicant argues that the reference fails to disclose the "of a part" (see page 4, paragraph 2). Examiner disagrees and would like to point out that the part of the 3-Dimensional data the hair region is the one gets modified.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

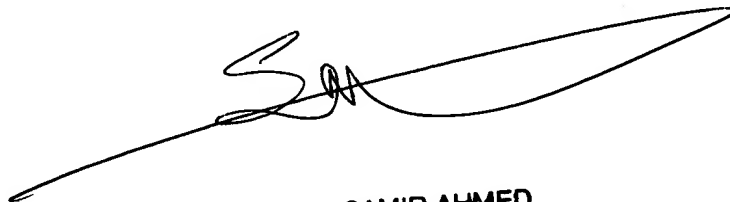
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali
Examiner
Art Unit 2623

vb
March 31, 2003

A handwritten signature in black ink, appearing to read 'SA', with a long horizontal line extending to the right.

SAMIR AHMED
PRIMARY EXAMINER